

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 22, 2006

The Senate met at 9 a.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—35.

Quorum present.

(NOTE: Senator Morrow will be excused this day on legislative business, Senator Escutia will be excused this day due to a death in the family, Senator Speier will be excused this day on personal business, and Senator Kuehl will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 22, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and



consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Michael Gregory Lee, Deputy Attorney General, Office of the Attorney General, assigned to the Correctional Law Section of the Civil Division; and former Supervising Deputy Attorney General for the Civil Division. Appointed 03/09/06. Effective 03/21/06.

General Counsel, Agricultural Labor Relations Board vice Norma A. Turner, retired, term ending 4 years from 2nd commission date.

Alfred Montna, owner and operator, Montna Farms, Montna Farms Dryer and D&M Development; has served on the Board since 2003. Reappointed 03/02/06. Effective 03/21/06.

Member, California Bay-Delta Authority, term ending 01/01/10.

Julio E. Soares, Director of Marine Operations, Americas region for American President Lines; former Manager of Fleet and Logistics in Hong Kong; former Country Manager of India Operations; former Country Manager of Sri Lanka Operations; and former Manager of West Asia Operations with American President Lines. Appointed 03/08/06. Effective 03/22/06.

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun vice Scott C. Winn, term expired, term ending 12/31/08.

John Michael Ortiz, Ph.D., President of California State Polytechnic University, Pomona; and former Provost and Vice President of Academic Affairs for California State University, Fresno. Appointed 03/14/06. Effective 03/22/06.

Member, Student Aid Commission vice Bob H. Suzuki, term expired, term ending 10/30/08.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 211

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 211—An act to amend Section 244.5 of, and to add Chapter 4.5 (commencing with Section 12430) to Title 2 of Part 4 of, the Penal Code, relating to remote stun guns.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1128

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MURRAY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1128—An act to amend Section 68152 of the Government Code, to amend Sections 209, 220, 269, 288.5, 290, 290.3, 290.46, 311, 311.1, 311.2, 311.3, 311.4, 311.5, 311.7, 311.8, 311.10, 311.11, 311.13, 312.1, 626.8, 647.6, 667.1, 667.5, 667.51, 667.6, 667.61, 667.71, 800, 1170.125, 1192.7, 1202.8, 1203, 1203.06, 1203.065, 1203.075, 1203c, 3000, 3005, 12022.75, 13887, and 13887.1 of, to add Sections 288.3, 288.7, 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 290.09, 311.12, 626.83, 13015, and 13105 to, to add a heading to Chapter 5.5 (commencing with Section 290) to Title 9 of Part 2 of, and to add Chapter 1.5 (commencing with Section 5040) to Title 7 of Part 3 of, and to repeal Section 311.9 of, the Penal Code, and to amend Sections 6600, 6601, 6604, 6604.1, and 6605 of, and to repeal Section 6608 of, the Welfare and Institutions Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Human Services

Date of Hearing, March 14, 2006

Mr. President: The Committee on Human Services, to which was referred:

SB 1195

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALQUIST, Chair

Above measure ordered to second reading.



Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Human Services, to which was referred:

SB 1214

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALQUIST, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1214—An act to amend Sections 12085, 12085.5, 12087, 12727, 12730, 12735, 12736, 12738, 12740, 12741, 12742, 12745, 12747, 12750, 12750.1, 12750.2, 12751, 12752.1, 12753, 12756, 12760, 12761, 12768, 12772, 12773, 12776, 12780, 12781, 12785, and 12787 of, to add Section 12758 to, and to repeal Section 12763 of, the Government Code, relating to state government.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation and Housing

Date of Hearing, March 21, 2006

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1225

Reports the same back with the recommendation: Do pass as amended.

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, March 21, 2006

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 1296

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 1304



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SCOTT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1304—An act to add Section 81005 to the Education Code, relating to community colleges.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 22, 2006

Mr. President: The Committee on Education, to which was referred:

SB 1193

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SCOTT, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Judiciary

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1307

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUNN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1307—An act to amend Section 56.13 of the Civil Code, to amend Section 123105 of the Health and Safety Code, and to amend Section 4690 of the Probate Code, relating to medical information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Natural Resources and Water

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 1310

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 1310—An act to add Sections 4513.5 and 4525.9 to the Public Resources Code, relating to forest resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Banking, Finance and Insurance

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which was referred:

AB 925

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 925—An act to add and repeal Article 10.1 (commencing with Section 926) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to insurer investments.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health

Senate Chamber, March 22, 2006

Mr. President: The Chair of the Committee on Health, to which was referred:

AB 74

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 74—An act to add Article 5 (commencing with Section 110243) to Chapter 2 of Part 5 of Division 104 of the Health and Safety Code, relating to prescription drugs.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill 1241—An act to repeal Section 24103 of the Government Code, relating to deputy sheriffs.

Bill read second time, ordered engrossed, and to third reading.



Senate Constitutional Amendment 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Article XXI thereof, relating to redistricting.

Resolution read second time.

The amendments proposed by the Committee on Elections, Reapportionment and Constitutional Amendments were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 525** was withdrawn from the Committee on Human Services and re-referred to the Committee on Public Safety.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 288—That the Assembly amendments be concurred in

AYES (10)—Senators Aanestad, Alquist, Battin, Dutton, Escutia, Florez, Murray, Ortiz, Poochigian, and Romero.

NOES (1)—Senator Torlakson.

AB 135—Do pass as amended

AYES (9)—Senators Aanestad, Alquist, Battin, Dutton, Escutia, Florez, Murray, Ortiz, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/15/2006

Murray (Chair)

Committee on Education

SB 1193—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Lowenthal, Maldonado, Scott, Simitian, Soto, and Torlakson.

NOES (2)—Senators Denham and Romero.

SB 1217—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, and Torlakson.

NOES (0)—None.

AB 840—Do pass and re-refer to Committee on Appropriations (Correction)

AYES (8)—Senators Alquist, Denham, Lowenthal, Romero, Scott, Simitian, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/22/2006

Scott (Chair)

Committee on Public Safety

SB 1241—Do pass

AYES (4)—Senators Margett, Migden, Poochigian, and Romero.

NOES (0)—None.



SB 1261—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, Migden, Poochigian, and Romero.

NOES (0)—None.

SB 1262—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and Poochigian.

NOES (2)—Senators Cedillo and Migden.

Failed Passage

SB 1262—Reconsideration granted

AYES (4)—Senators Cedillo, Margett, Migden, and Poochigian.

NOES (0)—None.

SB 1299—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Margett, Migden, Poochigian, and Romero.

NOES (0)—None.

SB 1318—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Margett, Migden, Poochigian, and Romero.

NOES (0)—None.

Date of Hearing: 3/21/2006

Migden (Chair)

Committee on Transportation and Housing**SB 1177**—Do pass as amended

AYES (10)—Senators Ashburn, Cedillo, Ducheny, Dutton, Machado, Margett, McClintock, Runner, Soto, and Torlakson.

NOES (2)—Senators Kehoe and Lowenthal.

SB 1224—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SB 1225—Do pass as amended

AYES (9)—Senators Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Margett, Simitian, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Dutton, McClintock, and Runner.

SB 1296—Do pass as amended, to Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SB 1322—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Simitian, Soto, and Torlakson.

NOES (1)—Senator Dutton.



SCR 91—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 93—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 95—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 96—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/21/2006

Lowenthal (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Escutia.

The following Senator was granted leave of absence for the day due to personal business: Senator Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Kuehl.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Ben Martin of Penryn.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Col. Charles T. Travers of Greenbrae.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Kenneth Armstrong of Lodi.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Oliver Leo Collins.



ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, March 23, 2006.

PAULA K. ROSSETTO, Minute Clerk

